

STATE OF MICHIGAN
CANDICE S. MILLER, Secretary of State
MICHIGAN DEPARTMENT OF STATE

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MEMORANDUM

DATE: December 19, 2003

TO: All Chief Judges
Court Administrators
Referees
Magistrates
Clerks of the Court
County Clerks

FROM: Peggy Leece, Court Liaison
Michigan Department of State

SUBJECT: Timeliness of Abstracts

The Department of State received 1,507,101 conviction abstracts in 1998. Out of the one and a half million abstracts, four out of five are posted to the master driving record by the Department within 30 days of the conviction.

The timeliness of conviction abstracts is critical to maintaining accurate records. Law enforcement, probation officers, prosecutors, magistrates, referees, judges, and personnel of the Department of State all rely on the accuracy of a person's driving record. MCL 257.732, MSA 9.2432 requires courts to submit abstracts within 14 days of conviction. MCL 257.320a, MSA 9.2020(1) requires the Department of State to apply all convictions to the master driving record within 10 days of receipt. It is the Department's position that to be considered timely, 90% of abstracts submitted should be posted to the driving record within 30 days of conviction.

The document attached contains statistics for the years 1997 and 1998 compiled from a report (5315) produced by the Department of State's mainframe computer reflecting conviction date to posting date data. Abstracts with exception code entries "COR" (corrected), "AMD" (amended) and "DEL" (deleted) used to alter the record from the first submission are not counted as part of this report.

There are a number of reasons that affect the timeliness of posting. They include:

- If an abstract is received by the Department of State without a driver license number (DLN), i.e. no license number supplied or had no license number, the abstract must be worked manually. It will take approximately 3 weeks for this information to appear on a driving record. A DLN must be located to place a violation on a record. If no DLN is found, a “header” must be created. This extends the process by one week, thus making it four weeks before the data appears. Random samples of abstracts received without a DLN by the Department of State indicate 50% of the records have a DLN on the system.
- Abstract data not submitted at least weekly.
- If the abstracts are not received by Monday afternoon, data will not be posted to the driving records until Thursday of the following week. If the information is received by Monday afternoon, data will be posted by Thursday of the same week. Submission of tapes/diskettes by an overnight express service may improve delays caused by mailing.
- Abstracts rejected for errors (or incorrect driver license numbers) generally will not be timely.
- Identifying the proper event that triggers the preparation of an abstract. Some offenses require that the abstract be submitted at the time of a plea of guilty or nolo contendere, a finding of guilt or a juvenile adjudication, while others require the abstract after sentencing. The definition of conviction as used in the Michigan Vehicle Code can be found at MCL 257.8a; MSA 9.1808(1). Charts in Appendix A of the Department of State Court Manual list violations and the events after which an abstract is required.
- Delay between adjudication (conviction, dismissal, etc.) and entry of data by court staff.

If you have any questions regarding this report or need assistance, please contact: Peggy Leece, Court Liaison at 248/569-3491.